PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE AND VARIANCE - N/S Edmondson Ave. * DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY 1st Election District 1st Councilmanic District

* Case No. 94-123-XA

Dorothy M. Beaman Petitioner

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception and a Petition for Variance filed by the owner of the subject property, Dorothy M. Beaman. The Petitioner seeks a special exception to permit a lawyer's office on the subject property, pursuant to Section 1801.1.C.9B of the Baltimore County Zoning Regulations (B.C.Z.R.), and variance relief from Section 409.6.A2 of the B.C.Z.R. to permit two (2) off-street parking spaces in lieu of the required four (4) spaces, and from Section 1801.1.C.9B to permit the proposed lawyer's office to occupy 27% of the floor area of the existing residence in lieu of the maximum permitted 25%, all as more particularly described on Petitioner's Exhibits 1 and 2.

Appearing on behalf of the Petition were Dorothy Beaman, property owner, Ira K. Himmell, Esquire, and Geoffrey C. Schultz with McKee & Associates, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 1402 Edmondson Avenue, consists of a gross area of 0.217 acres zoned D.R. 3.5, and is improved with a single family dwelling and detached garage. The Petitioner is desirous of relocating her law practice from its present location in Towson to the subject property, which has been her residence for many years. Testimony indicated that Ms. Beaman suffers from bronchi-

tis, asthma and emphysema and finds it difficult to walk any great distances. In order that she may continue to practice law, Ms. Beaman wishes to convert a portion of the first floor of her dwelling into office space. Ms. Beaman testified that she contacted her local community association and received their support, provided the special exception and variances are limited to her use of the property only. In the event Ms. Beaman were to sell or transfer the subject property, the special exception and variances granted herein would be terminated. Ms. Beaman indicated that this agreement was acceptable to her and a restriction will be imposed in this Order as a condition of the granting of this relief.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 3.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v.

Pritts, 432 A.2d 1319 (1981).

The proposed use with the proposed The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in

roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief: and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the require-

ments from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30 th day of November, 1993 that the Petition for Special Exception seeking permission to establish a lawyer's office on the subject property, pursuant to Section 1801.1.C.98 of the Baitamore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 409.6.A2 of the B.C.Z.R. to permit two (1) off-street parking spaces in lieu of the required four (4) spaces, and from Section 1801.1.C.98 to permit the proposed lawyer's office to occupy 2/% of the floor area of the existing residence in lieu of the maximum permitted 25%, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby CRANT ED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Petition for Variance

to the Zoning Commissioner of Baltimore County

which is presently sened DR-3.5

for the property located at 1402 Edmondson Avenue

The undersigned, legal owner(s) of the property situate in Balbmore County and which is described in the described and plat stached

hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6A.2 to permit two off-street

parking spaces in lieu of the required four spaces and Section 1801.1C.9B to permit

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

an office (lawyer) to occupy 27% of the floor area of a residence in lieu of the

1. Limited on-site space exists to propose the additional spaces required.

2. To meet the 25% requirement, petitioner would have to relocate walls that

94-123-XA which is press.

This Pettion shall be filed with the Office of Zoning Administration & Development Management.

contribute to the structural integrity of the dwelling.

Property is to be posted and advertised as prescribed by Zoning Regulations.

meximum permitted 25%.

Contract PurchaserA esse

Tytie or Frint Name)

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2) The special exception and variance granted herein are limited to the Petitioner, Dorothy Beaman, for so long as she resides on the property. In the event the subject property is sold, leased, or transferred to any other individual, the special exception and variances granted herein shall be terminated.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

> Deputy Zoning Commissioner for Baltimore County

TMK:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

November 30, 1993

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Ms. Dorothy M. Beaman 1402 Edmondson Avenue Catonsville, Maryland 21228

Case No. 94-123-XA

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE N/S Edmondson Avenue, 363' W of Beachwood Avenue (1402 Edmondson Avenue) 1st Election District | 1st Councilmanic District Dorothy M. Beaman - Petitioner

Dear Ms. Beaman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

> TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

cc: Mr. Geoffrey C. Schultz McKee & Associates, Inc., 5 Shawan Road, Hunt Valley, Md.

86 82

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1402 Edmondson Avenue

This Pulltion shall be filed with the Office of Zoning Administration & Development Management The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hersto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described properly for a lawyer's office as permitted by special exception under Section 1B01.1.C.9B of the Zoning Regulations.

Property is to be posted and advertised as prescr I, or we, agree to pay expenses of above Special Exception ad are to be bound by the zoning regulations and restrictions of Be	ibed by Zoning Regulations. vertising, poeting, etc., upon filing of this petition, and further agree to and litimore County adopted pursuant to the Zoning Law for Baltimore County.
	VMe do solemnly declare and effirm, under the penalties of perjury, that thee are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lesses	Legal Owner(s)
	Dorothy M. Beaman
Type or Print Name)	

Phone No.	Sheven Road, Hunt Valley, MD 21030
hint Name)	Catonsville, Maryland 21228 Cay Home, Address and phone number of representative to be contacted. Geoffrey C. Schultz McKee & Associates, Inc.
er Publicher:	1402 Edmondson Avenue 823-3010 Address Phone No.
State Zipcode	Signature
	(Type or Print Name)
	Bound M. Beaman
Yint Name)	(Type or Print Name)

REVIEWED BY JCM DATE 9-15 4

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-3r at. rp Catonsville, Maryland Name Althous and phone humber: representative and only the left McKee & Associates, Inc. Shawan Road, Hunt Valley, MD 21030

Dorothy M. Beamar

STREET OF STRING NAME

(We in screening tections and affirm under the prenames of persons that was are the

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11/2/1/3

MCKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development

SHAWAN PLACE, 5 SHAWAN ROAD

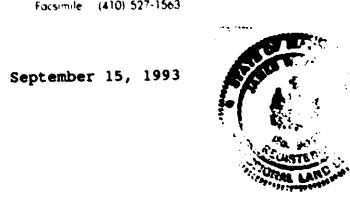
HUNT VALLEY, MARYLAND 21030 Telephone: (410) 527-1555

Facsimile (410) 527-1563

#1402 EDMONDSON AVENUE

FIRST ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND



Beginning at a point on the north side of Edmondson Avenue (80 feet wide) at the distance of 363 feet west of the west side of Beechwood Avenue (40 feet wide); thence running North 29° 03' West 125.00 feet, South 80° West 63.8 feet, South 29° 03' East 125.00 feet, and North 80° East 63.8 feet to the place of beginning as recorded in deed Liber 5705, folio 359.

Containing 7541 square feet or 0.173 acres of land. Also known as #1402 Edmondson Avenue and located in the First Election District.

TO: PUTULENT PUBLISHING COMPANY September 30, 1993 Issue - Jeffersonian Please foward billing to:

Dorothy Beamen 1402 Edmondson Avenue Catonsville, Maryland 21228 410-823-3010

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified berein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Evenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-123-XA (Item 120) 1402 Edmondson Avenue

M/S Edmondston Evenue, 363' W of Beachwood Evenue 1st Election District - 1st Councilmanic Petitioner(s): Dorothy M. Beaman

HEARING: TUESDAY, NOVEMBER 2, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for a lawyer's office.

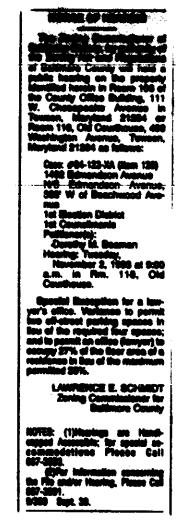
Variance to permit two off-street parking spaces in lieu of the required four spaces; and to permit an office (lawyer) to occupy Z/% of the floor area of a residence in lieu of the maximum permitted 25%.

LAURENCE E. SCHEIDT ZOWING CONNISSIONER FOR BALTIMORE COUNTY

MOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR IMPORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

2011110 DEPARTMENT OF BALTIMORE COUNTY 94-123-44

Date of Posting 10/13/93 Posted for Special Franchion & Various Poster Parottix M. Bearyer Location of property: 1402 Filmondson Are, N/S, 363. W/Bouchwellfren Location of State Facing read may som property laboren &



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive

THE JEFFERSONIAN.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue

Towson, MD 21204

(410) 887-3353 SEP. 23 1993

NOTICE OF HEARING

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Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-123-XA (Item 120) 1402 Edwardson Avenue N/S Edmondston Avenue, 363' W of Beachwood Avenue 1st Election District - 1st Councilmenic

Petitioner(s): Dorothy H. Beamen HEARING: TUESDAY, MOVEMBER 2, 1993 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Exception for a lawyer's office. Variance to permit two off-street parking spaces in lieu of the required four spaces; and to permit as office (lawyer) to occupy 27% of the floor area of a residence in lieu of the maximum permitted 25%.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESEPEREE EVENUE ON THE HEARING DATE. (2) HEARTHON ARE HAMDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMUNITIONS PLEASE CALL 887-3353. (3) FOR IMPORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204



(410) 887-3353

October 22, 1993

Ms. Dorothy M. Beaman 1402 Edmondson Avenue Catonsville, Maryland 21228

> RE: Case No. 94-123-XA, Item No. 120 Petitioner: Dorothy M. Beaman Petitions for Special Exception and Variance

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 15, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are simed at expediting the petition filing process

1. The director of Zoning Administration and Development Hanagem has instituted a system whereby seasoned soning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by soning personnel.

Baltimore County Government Office of Zoning Administration and Development Management 111 West Chesapeake Avenue Towson, MD 21204 ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES Beltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County. This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. PAYMENT WILL BE MADE AS FOLLOWS: time of filing.

For newspaper advertising:

1) Posting fees will be accessed and paid to this office at the

2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER

Petitioner: DOROTH & BEAMAN Incation: 1402 EDMONDSON ALE . 21228 PLEASE FORWARD ADVERTISING BILL TO:

(410) 887-3353

323-3010

(Revised 04/09/93)

BALTIMORE COUNTY, MARYLAND INTEROFFICE COFFESSIONSENTE

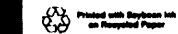
To: Arnold Jablen, Director IATE: Set two by 1999. Zoning Administration and Devel pacit Management

FROM: Robert W. Bowling, Senler Engineer Development Flan Review Section

RE: Zoning Advisory Committee Meeting for October 4, 1993 Item No. 120

The Development Plan Review Section has reviewed the subject zoning item. It appears that adequate an ite parking could be provided. Also, this site is subject to the Landscape Manual and RO Landscape Tending Rog clations

RWB is





O James Lighthizer Hal Kassoff Administrator

9-22-43

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Re: BACTO, CO, Item No.: +130 (TCM)

Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief Engineering Access Permits

My telephone number is ______ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

> Baltimore County Government Department of Permits and Licenses

111 West Chesapeake Avenue Towson, MD 21204

SEPTEMBER 28, 1993

(410) 887-3610

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

ZONING AGENDA - MEETING OF SEPTEMBER 27, 1993

RE: Property Owner: Clarence Cox Location: #2929 Eastern Boulevard Item No.: +113(MJK) No Comments.

RE: Property Owner: Jacqueline Lois LeConte Location: #3 St. Timothy's Lane

Item No.: + 118 (RT) Fire hydrants for the referenced property are required and shall be located at intervals of 750 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. Sprinklers shall be installed in accordance with MD State Code, State Bill #658.

RE: Property Owner: Eva M. Nolan & Nicholas J. Nolan Location: #4342 Penn Avenue Item No.: *119 (RT) No Comments.

RE: Property Owner: Dorothy M. Beaman Location: #1402 Edmondson Avenue Item No.: + 120 (JCM) No Comments.

RE: Property Owner: Melvin Gladney and Parmie Gladney Location: #6734 Dogwood Road Item No.: 121 (JCM) No Comments.

RE: Property Owner: Sandra Andrejak Location: NE/S Stemmers Run Road & #613 (Norris Lane - Kenwood's) Item No.: +122 (WCR) & 123 (WCR) No Comments.

RE: Property Owner: William Hirshfeld and Loretta Hirshfeld Location: #15 Merry Hill Court Item No.: 124 (JLL)

No Comments. Printed with Caybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DATE: September 30, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 97, 106, 117, 118, 120, 124, 126, 127 and 128. If there should be any further questions or if this office can provide additional

information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL:1w

ZAC.97/PZONE/ZAC1

7741-93

RICHARD W KIEFER F. DUNCAN CORNELL MARVIN I. SINGER IRA K. HIMMEL DOROTHY M BEAMAN MICHAEL H MANNES

LAW OFFICES HOOPER, KIEFER & CORNELL 343 NORTH CHARLES STREET BALTIMORE, MARYLAND 21201-4361 (410) 727-4700

9/11/93 TOWSON OFFICE 406 W PENNSYLVANIA AVENUE TOWSON, MARYLAND 21204-426 (410) 823-3010 FAX: (410) 825-4374

ARTHUR U HOOPER

September 15, 1993

FAX: (410) 625-4709

Mr. Arnold Jablon, Director Baltimore County Office of Zoning Administration and Development Management Baltimore County Office Building 111 W. Chesapeake Avenue Towson, MD 21204

Re: 1402 Edmondson Avenue Item # 220 1209Cm

Dear Mr. Jablon:

I respectfully request an early hearing date for the Petition for Special Exceptions and Variance filed in connection with the use of part of my home as a law office. There are two reasons. First, I have developed a physical condition that makes it extremely difficult to walk very far and/or negotiate steps. Secondly, the lease for our present office at 406 W. Pennsylvania Avenue (a location which requires me to go up and down steps) terminates on November 30, 1993.

For these reasons, I am most anxious to move the office to my house as soon as possible.

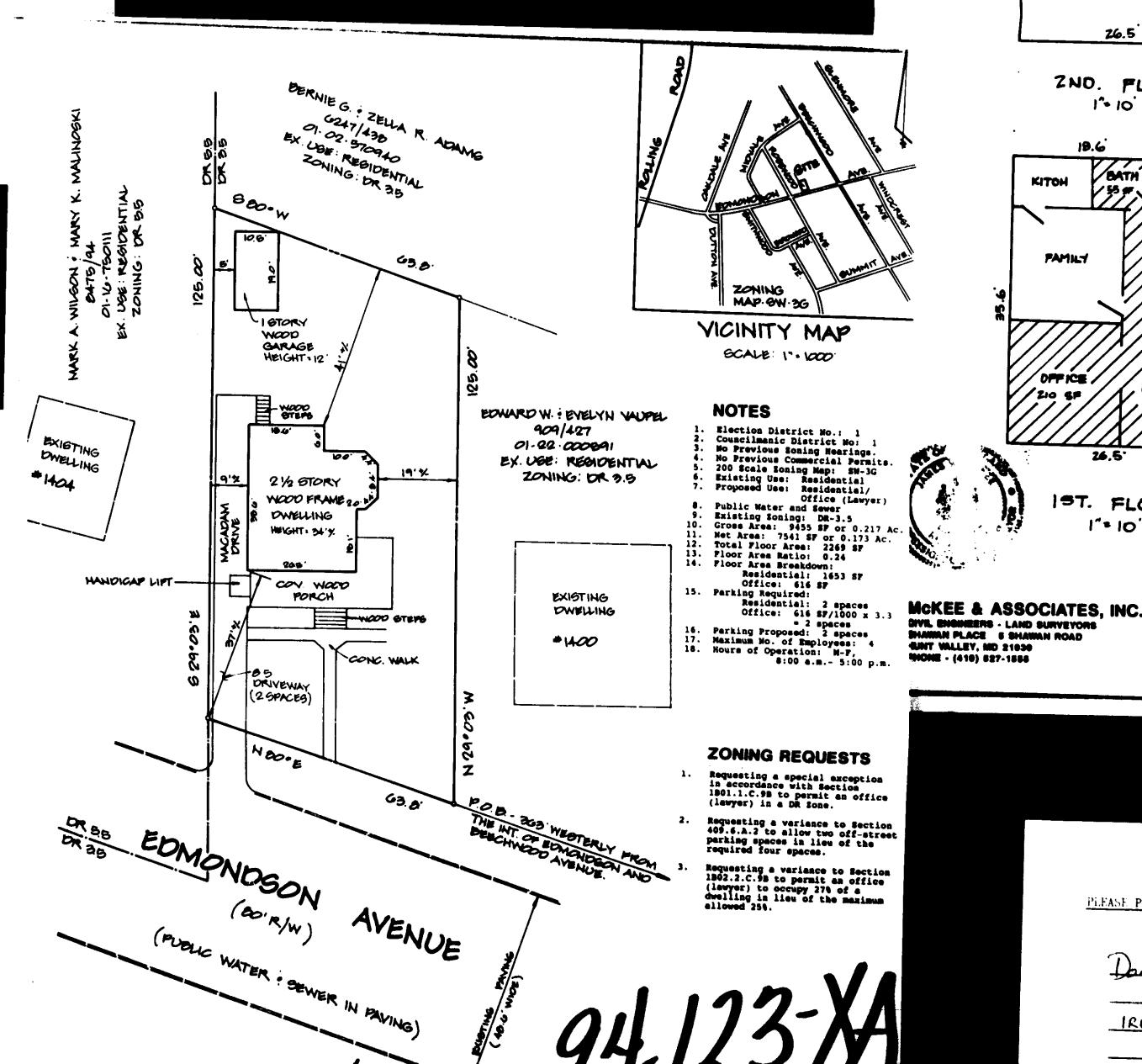
Thank you for your consideration.

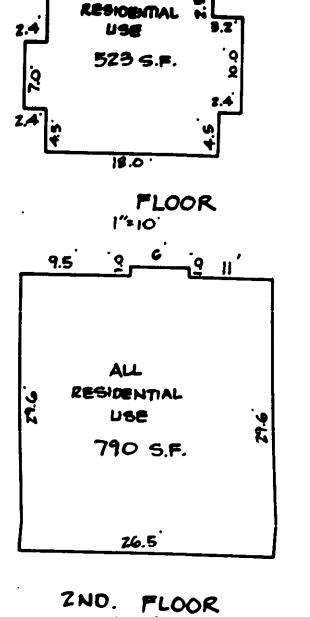
Sincerely,

Dorothy M. Beaman

DMB/mam

SEP 16 1993 ZADM





1-10

BATH 55 gr

FLOOR

1" = 10"

KITOH

PAMILY

FLOOR AREA BREAKDOWN

3RD. FLOOR - RESIDENTIAL 523 SF 2ND FLOOR - RESIDENTIAL IST. FLOOR - RESIDENTIAL 340 SF

OFFICE

616 SF

TOTAL RESIDENTIAL USE 1653 SF TOTAL OFFICE USE 616 SF % OF OFFICE USE

PETITIONER'S EXHIBIT 2

NOTE: CROSS-HATCHED AREAS INDICATE PROPOSED OFFICE USE.

SPECIAL EXCEPTION & ZONING VARIANCE

*1402 EDMONDSON AVENUE

19T ELECT DIST BALTO CO MO SCALE 1": 20"

SEPTEMBER 13 1993 OWNER DOROTHY M BEAMON

1402 EDMONDGON AVE CATONGVILLE, MO 21220 DEED REF 5705/399 ACCT NO 01-02-200030

SHEET Z of 2

EASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET	
Downly M Bramen	1402 Edmondson Ave
	Colmsville Mp 21224
IRA K. HIMMEL	343: North Charles 11.
	Baltimore, MU 2001
GEOFFERI C. SCHULTE	5 SHAWAN ROAD

120 PETITIONER'S Enribit 1

IST BLECT. DIST.

BCALE: 1". 20"

DOROTHY M. BEAMON HOR BOMONDOON AND CATONOVILLE, NO SIESD DOBO RUE: BROWNOON ACOT. NO.: OI-DE BROWN

PLAT TO ACCOMPANY

Special exception & Zoning Variance

*1402 EDMONDBON AVENUE

POTITIONS NOR

MCKEE & ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
CHARM PLACE & SHARMIN ROAD
HART VALLEY, MD \$1000
PHONE - (410) 667-1006

Balto. Co. , Md Beptember 19, 1999